

AMENDED IN SENATE MAY 6, 2003
AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 660

Introduced by Senator Speier

February 21, 2003

An act to add Section 1798.855 to the Civil Code, and to add Section 68154 to the Government Code, relating to ~~personal records~~ court files.

LEGISLATIVE COUNSEL'S DIGEST

SB 660, as amended, Speier. ~~Personal records~~ Court files: confidentiality.

Existing law governs the management and preservation of trial court records and recognizes that court records are generally public records, unless a specific exception applies.

This bill would establish procedures for keeping the social security numbers of persons involved in specified dissolution matters in confidential court files. The bill would require specified Judicial Council forms to contain a notice informing parties of their right to redact any social security number that was placed in a confidential court file from other materials filed with the court. The bill would also make related changes.

~~(1) Existing law prohibits specified entities from publicly posting or displaying, as defined, the social security number of any person.~~

~~This bill would prohibit a title company from posting or displaying the social security number of any person on any public record. The bill would impose specified penalties for a violation of this provision.~~

~~(2) Existing law governing the management and preservation of trial court records provides that whatever format is used for preserving or reproducing court records shall be made as reasonably accessible to all members of the public for viewing and duplication as would the paper records. Existing case law recognizes a right of public access to court records in holding that court records are public records generally available to the public unless a specific exception or countervailing public policy makes specific records nonpublic.~~

~~This bill would require, notwithstanding any other provision of law, that a court record be kept in a confidential file if it contains the social security number of any person, the bank account numbers of any person, or information revealing the disposition of any deceased person's estate. The bill would also require that any social security number contained within the file of a court record for a dissolution matter be kept in a confidential portion of that file.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 1798.855 is added to the Civil Code,~~
- 2 *SECTION 1. Section 2024.5 is added to the Family Code, to*
- 3 *read:*
- 4 *2024.5. (a) A petition for dissolution of marriage, nullity of*
- 5 *marriage, or legal separation of the parties shall include a*
- 6 *separate, one-page document that lists all relevant social security*
- 7 *numbers known to the petitioner that pertain to the petitioner,*
- 8 *respondent, and any minor child of the parties.*
- 9 *(b) The first responsive pleading filed in a proceeding for*
- 10 *dissolution of marriage, nullity of marriage, or legal separation of*
- 11 *the parties shall include a separate, one-page document that lists*
- 12 *all relevant social security numbers known to the respondent that*
- 13 *pertain to the petitioner, respondent, and any minor child of the*
- 14 *parties.*
- 15 *(c) The list specified in subdivision (a) or (b) shall be made part*
- 16 *of the court's confidential file of the proceeding, and may not be*
- 17 *disclosed except for good cause shown to the court.*
- 18 *(d) The Judicial Council form used to file a document specified*
- 19 *in subdivision (a) or (b) shall contain a notice that the parties may*
- 20 *redact the social security numbers placed in a confidential file*

1 *from subsequent pleadings, attachments, documents, or other*
2 *material filed with the court.*

3 *(e) A party may redact any social security number that was*
4 *placed in the confidential file of the court pursuant to this section*
5 *from any pleading, attachment, document, or other written*
6 *material filed subsequent to the petition or response.*

7 *(f) An Abstract of Support Judgment or any similar form*
8 *created by the Judicial Council or the Department of Child*
9 *Support Services for the purpose of collecting child support*
10 *payments is not subject to subdivision (e).*

11 ~~immediately following Section 1798.85, to read:~~

12 ~~1798.855. (a) A title company may not post or display the~~
13 ~~social security number of any person on any public record.~~

14 ~~(b) The penalty provisions imposed in Section 790.035 of the~~
15 ~~Insurance Code shall apply to a violation of this section.~~

16 ~~SEC. 2. Section 68154 is added to the Government Code, to~~
17 ~~read:~~

18 ~~68154. (a) Notwithstanding any other provision of law, a~~
19 ~~court record that contains any of the following information shall~~
20 ~~be kept in a confidential file:~~

21 ~~(1) The social security number of any person.~~

22 ~~(2) The bank account numbers of any person.~~

23 ~~(3) Information revealing the disposition of any deceased~~
24 ~~person's estate in a probate proceeding.~~

25 ~~(b) If an individual's social security number is part of the file~~
26 ~~of a court record for a matter of dissolution, that number shall be~~
27 ~~kept in a confidential portion of that file, but the remainder of that~~
28 ~~file shall be open to public inspection.~~